Stakeholder Contribution – Rule of Law in Hungary 2026
Higher Education Governance & Whistleblower Protection

Stakeholder: “Administrative Obstruction in EU Medical Education” & “Gatekeeper of Rights” case-study project – independent research on higher education governance and domestic remedies in Hungary

Submitted by: Siddhartha Harsh Wardhan (international medical student, Semmelweis University, Budapest; ORCID 0009-0005-4228-1124)

Role: Foreign medical student enrolled at Semmelweis University, Budapest

Purpose: Case-based input for the European Commission’s Annual Rule of Law Report, focusing on the effectiveness of remedies and oversight in higher education.

Executive Summary

This contribution presents a documented case study of alleged administrative obstruction at a Hungarian public medical university, involving a foreign medical student who reports being repeatedly denied access to essential anatomy practical training despite valid registration and full tuition payment. The student utilized all available domestic mechanisms – internal university channels, the Office of the Commissioner for Fundamental Rights of Hungary (Ombudsman), the competent Administrative Court, the National Authority for Data Protection and Freedom of Information (NAIH), and the Hungarian Accreditation Committee (MAB) – without achieving practical reinstatement of access or receiving a clear corrective order.

European Commission complaint reference: 86019 – Complaint about alleged breach of EU law by Hungary (higher education / administrative remedies).

Stakeholder Contribution – Rule of Law in Hungary 2026

Higher Education Governance & Whistleblower Protection

The case is documented under three key Hungarian institutional references: ***Ombudsman Case No. EBF–AJBH–309–2025, Administrative Court Case No. 7. Kpk. 750. 750.239/2025/2, and NAIH Data- Protection Case No. J- 427-3/2025***. A dossier was also submitted to MAB in 2025 regarding the quality and governance of the medical program. Concurrently, the student notified international accreditation and recognition agencies and submitted the issue to the European Commission's standard complaint form for review within the broader framework of the rule of law and higher education governance.

Further documentation is available in a series of publicly accessible legal and academic publications (SSRN, ResearchGate, Zenodo), which include correspondence, exhibits, and timelines. Together, these materials highlight a gap between officially available remedies and their practical effectiveness within higher education. This discrepancy is relevant to the justice system and the checks and balances outlined in the Rule of Law Report. It also intersects with the implementation of Directive (EU) 2019/1937 on whistleblower protection and Regulation (EU, Euratom) 2020/2092 concerning the general regime of conditionality for the Union's budget protection.

From the European Commission's perspective, this case is not presented as a request for individual judgment but as a tangible micro-level example that may help assess whether Hungary's higher education oversight bodies and courts provide effective remedies aligned with EU standards when a student reports serious, well-documented violations of educational rights and institutional rules. The case materials suggest that, in this context, the available remedies (Ombudsman, administrative courts, data protection authorities, accreditation committees, and internal university procedures) did not lead to timely or effective redress for the alleged rights violations. This gap between formal procedures and actual protection directly concerns the justice system, the principles of checks and balances discussed in the ***Rule of Law Report, and the***

European Commission complaint reference: 86019 – Complaint about alleged breach of EU law by Hungary (higher education / administrative remedies).

Stakeholder Contribution – Rule of Law in Hungary 2026
Higher Education Governance & Whistleblower Protection

implementation of Directive (EU) 2019/1937 and Regulation (EU, Euratom) 2020/2092 in Hungary's higher education sector.

1. Case Overview

The case concerns an international medical student enrolled at Semmelweis University in Budapest, Hungary. According to the published case materials, the student was registered in the English-language medical programme with full fee-paying status and held the required FM/CV registration for participation in practical anatomy training. Despite this, during the 2023–2025 academic period, the student reports being denied access to cadaver dissection labs and related practical anatomy sessions based on informal or unwritten requirements that contradicted the university's formal Study and Examination Regulations and curriculum documents.

The alleged obstruction includes: (a) ***refusal to allow attendance at required practical sessions; (b) instructions to revoke existing lab registrations to attend alternative sessions; and (c) reliance on capacity-management and administrative arguments that, according to the documentation, were not transparently grounded in the university's public rules.*** The student claims that this resulted in loss of compulsory practical training that could not be recovered within the normal progression of the degree.

The case has been recorded in several legal and academic papers that compile timelines, correspondence, internal regulations, and photographs of teaching conditions. These papers are cited by their author as public-interest disclosures intended to preserve an evidence trail for future legal and policy review.

European Commission complaint reference: 86019 – Complaint about alleged breach of EU law by Hungary (higher education / administrative remedies).

2. Hungarian National Institutional References and Case Identifiers

The student escalated the matter beyond internal university mechanisms to multiple Hungarian oversight and supervisory bodies. The key institutional references and case identifiers are summarised below.

Institution	Official English Name (short)	Function in the Case	Case / Reference ID
AJBH – Ombudsman	Office of the Commissioner for Fundamental Rights of Hungary	National human rights institution and Ombudsman. Receives complaints concerning alleged violations of fundamental rights, including education rights.	EBF–AJBH–309–2025
Administrative Court	Competent Hungarian Administrative Court (central jurisdiction)	Judicial review of administrative decisions and alleged unlawful administrative practices affecting access to higher education.	7.Kpk.750.239/2025/2

European Commission complaint reference: 86019 – Complaint about alleged breach of EU law by Hungary (higher education / administrative remedies).

NAIH	National Authority for Data Protection and Freedom of Information	Supervisory authority responsible for data protection and freedom of information, seized in connection with handling of student records and status classifications.	J-427-3/2025
MAB	Hungarian Accreditation Committee	National expert body for external evaluation and accreditation of higher education institutions and programmes. Received a bilingual dossier regarding the medical programme and alleged governance deficiencies.	Dossier submitted 2025 (internal reference to be supplied by MAB, if assigned).
Semmelweis University	Semmelweis University (public medical university)	Home institution. Internal complaints and	Internal correspondence and case files (no single public

European Commission complaint reference: 86019 – Complaint about alleged breach of EU law by Hungary (higher education / administrative remedies).

	requests for remedy submitted to department, faculty and central leadership before and during escalation to external bodies.	case ID).

These institutional references demonstrate that the case has moved beyond informal communications and is formally registered within the Hungarian Ombudsman system, the administrative judiciary, the data-protection authority, and the accreditation framework.

3. EU and Cross-Border Dimension

In addition to national bodies, the student has framed the case as relevant to European Union law and policy. According to the published materials, the case dossier, or parts of it, has been notified to:

• the European Commission via its standard complaint/feedback form (education and rule-of-law context);

• international accreditation and recognition bodies, including

European Commission complaint reference: 86019 – Complaint about alleged breach of EU law by Hungary (higher education / administrative remedies).

WFME/FAIMER-linked structures and the Educational Commission for Foreign Medical Graduates (ECFMG);
• foreign recognition and higher-education authorities in at least one other EU Member State.

The **Commission's own instruments are cited in the publications as important context, particularly:**
• Regulation (EU, Euratom) 2020/2092 on a general regime of conditionality for the protection of the Union budget;
• the Charter of Fundamental Rights of the European Union, especially Article 47 (right to an effective remedy) and Article 14 (right to education);
• Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law (the Whistleblower Directive);
• the 2024 Commission decision C(2024) 9140 final adopted under the Conditionality Regulation in relation to measures concerning Hungary under Council Implementing Decision (EU) 2022/2506.

The exact reference number assigned to this individual submission by the European Commission's standard complaint form process is not available in publicly accessible sources. The complainant should therefore insert it as indicated below.

European Commission complaint reference: 86019 – Complaint about alleged breach of EU law by Hungary (higher education / administrative remedies).

Stakeholder Contribution – Rule of Law in Hungary 2026
Higher Education Governance & Whistleblower Protection

4. Systemic Relevance and Requested Use of this Case

The case is submitted to the European Commission not in expectation of individual adjudication, but as a concrete, evidence-based example that may assist in assessing systemic issues in Hungary's higher education and oversight frameworks. In particular, the case may inform:

1. Justice System Performance

The administrative court proceedings on access to anatomy laboratories, despite being formally opened, are reported not to have led to a timely or practical restoration of rights. This may be relevant to the effectiveness of judicial protection in education-related disputes.

2. Functioning of Checks and Balances

Multiple oversight bodies – the Ombudsman, NAIH, MAB, and internal university structures – are reported to be seized of the case, yet the underlying problem remains uncorrected. This illustrates a structural gap between the existence of formal complaint channels and their actual capacity to deliver remedies in practice.

3. Whistleblower Protection in Higher Education

The student's disclosures are framed as public-interest whistleblowing protected ***under national and EU standards.*** The experience described in the case may help assess whether university-level and national mechanisms provide safe, confidential channels and protection against retaliation, in line with ***Directive (EU) 2019/1937.***

4. Relevance to Conditionality and EU Budget Protection

Semmelweis University participates in EU-funded programmes and is embedded in wider Hungarian structures that have been examined under the Conditionality Regulation. If similar cases of ineffective remedies are widespread, they may have implications for the reliability of governance and quality-assurance mechanisms in institutions benefiting from EU funding.

European Commission complaint reference: 86019 – Complaint about alleged breach of EU law by Hungary (higher education / administrative remedies).

Stakeholder Contribution – Rule of Law in Hungary 2026
Higher Education Governance & Whistleblower Protection

The requested use of this case is therefore that it be considered alongside other evidence in the ***2026 Rule of Law Report and related instruments***, as a micro-level illustration of how rule-of-law, oversight, and whistleblower-protection mechanisms function in a specific high-stakes sector: medical education.

These observations concerning the Ombudsman's limited effectiveness in this case are consistent with international assessments of the institution. In 2021, the Sub-Committee on Accreditation of the ***Global Alliance of National Human Rights Institutions (GANHRI)*** recommended downgrading the Hungarian Commissioner for ***Fundamental Rights from "A" to "B" status as a national human rights institution, citing concerns about its willingness to address sensitive human-rights issues***, its independence, and its compliance with the Paris Principles. That recommendation was maintained in 2022 following a shadow report submitted by the Hungarian Helsinki Committee and partner NGOs. The procedural handling of ***Case EBF–AJBH–309–2025***—marked by service defects, premature termination threats and the absence of substantive findings on the merits—illustrates how these structural weaknesses translate into the practical unavailability of an effective remedy in higher-education rights cases.

Note on the European Commission's reply dated July 8, 2025:

In its written response to ***Complaint No. 86019 of July 8, 2025***, the ***European Commission (DG EAC)*** acknowledged receipt of the case. It summarized the matter as involving the denial of access to compulsory dissection laboratories for a fully registered medical student, with indications that other international students had encountered similar issues. While explaining that it could not identify a specific EU law being implemented by Hungary in this individual case to initiate an infringement procedure, the Commission recalled that an infringement action may be appropriate where administrative practices reflect a systemic failure by public authorities to comply with EU law. In a footnote to the same letter, issued in the context of ***Council Implementing Decision (EU) 2022/2506 and the Rule-***

European Commission complaint reference: 86019 – Complaint about alleged breach of EU law by Hungary (higher education / administrative remedies).

of-Law Conditionality Regulation, the ***Commission explicitly confirmed that Semmelweis University is one of the public-trust entities subject to EU budget-protection measures***, stating that "Semmelweis University is included among these entities." This juxtaposition—acknowledgment of systemic risk for budgetary considerations combined with the absence of an effective individual remedy—underscores the relevance of the present case study for the 2026 Rule of Law Report under the justice-system and checks-and-balances pillars.

Annex 1 – List of Institutional Case References and EU Identifiers

This annex consolidates the key national and EU-level identifiers referenced in the Semmelweis University case materials, for ease of cross-referencing with national and EU documentation systems.

Category	Identifier	Description
Hungarian Ombudsman	EBF–AJBH–309–2025	Case number of the complaint filed with the Office of the Commissioner for Fundamental Rights of Hungary.
Administrative Court	7.Kpk.750.239/2025/2	Case number of the administrative court proceedings concerning access to compulsory anatomy laboratories.
NAIH – Data Protection Authority	J-427-3/2025	Case number of the data protection and information rights complaint concerning handling of student records.
MAB – Hungarian Accreditation Committee	[Internal MAB reference, if assigned]	Reference used by MAB, if any, for the dossier on the Semmelweis medical programme (to be filled in

European Commission complaint reference: 86019 – Complaint about alleged breach of EU law by Hungary (higher education / administrative remedies).

		when provided).
EU Conditionality Regulation	Regulation (EU, Euratom) 2020/2092	Regulation on a general regime of conditionality for the protection of the Union budget.
Commission decision under Conditionality Regulation	C(2024) 9140 final	Commission Decision of 16.12.2024 pursuant to Article 7(2) of Regulation (EU, Euratom) 2020/2092, concerning a written notification from Hungary about Article 2(2) of Council Implementing Decision (EU) 2022/2506.
Whistleblower Directive	Directive (EU) 2019/1937	Directive on the protection of persons who report breaches of Union law (whistleblower protection).
European Commission complaint system	[Commission complaint / CHAP reference – to be inserted]	Reference assigned by the European Commission's complaint or feedback system to the submission concerning this case. This information is not public and should be inserted by the complainant.

European Commission complaint reference: 86019 – Complaint about alleged breach of EU law by Hungary (higher education / administrative remedies).